

UNITED STATES DISTRICT COURT

District of New Jersey

Chambers of
William H. Walls
Senior District Judge

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Martin Luther King Jr.
Federal Courthouse
50 Walnut Street
Newark, New Jersey 07102

NOT FOR PUBLICATION

LETTER ORDER

ORIGINAL ON FILE WITH CLERK OF COURT

November 18, 2008

Appearances:

Robert L. Frazer
Office of the US Attorney
970 Broad Street
Suite 700
Newark, NJ 07102

Attorney for Plaintiff

Michael Gogal
McCusker Anselmi Rosen Carvelli & Walsh
127 Main Street
Chatham, NJ 07928

Attorney for Defendant

Re: United States v. Miguel Correa Negrón; Crim. No. 08-501 (WHW)
Defendant Monroe Township's Motion to Dismiss

Dear Litigants:

Defendant has moved for transfer of venue to Puerto Rico pursuant to Federal Rule of Civil Procedure 21(b). In support of this motion, defendant has asserted that "all possible defense witnesses are in Puerto Rico." (Def.'s Supp. 7.) In order to assess whether the location of possible witnesses would favor transfer under Rule 21(b), courts must have "concrete

demonstrations” of the proposed testimony. United States v. Haley, 504 F.Supp 1124, 1127-28 (E.D. Pa. 1981).

Counsel for defendant is ordered to submit affidavits within 10 days of this Order, containing information sufficient to allow the Court to decide defendant’s motion.

It is on this 18th day of November, 2008,

SO ORDERED.

s/William H. Walls
United States Senior District Judge